

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

IN RE: UBER TECHNOLOGIES, INC.,
PASSENGER SEXUAL ASSAULT
LITIGATION

Case No. 3:23-md-03084-CRB (LJC)

This Document Relates to:

ALL WAVE 1 BELLWETHER

ACTIONS

DECLARATION OF RACHEL B. ABRAMS
IN SUPPORT OF PLAINTIFFS'
OPPOSITION TO DEFENDANTS' MOTION
TO EXTEND TIME TO SERVE REBUTTAL
EXPERT REPORTS

Judge: Hon. Charles R. Breyer
Courtroom: 6 - 17th Floor (zoom)

DECLARATION OF RACHEL B. ABRAMS
CASE NO. 3:23-MD-03084-CRB (LJC)

I, Rachel B. Abrams, declare:

1. I am an attorney in the law firm of Peiffer Wolf Carr Kane Consway and Wise, LLP. I am admitted to practice before this Court. I made this declaration based on my own personal knowledge. If called upon to testify, I could and would testify competently to the truth of the matters stated herein.

2. My Co-Lead Counsel inform me that, when the parties negotiated the stipulations entered at ECF 3533, 3705, 3757, 3895, and 3997, there was never any discussion of the sequencing of expert depositions with rebuttal deadlines.

3. On September 26, Plaintiffs served opening expert reports for 17 experts. Simultaneous with service of the reports, Plaintiffs provided the following deposition dates for 13 of their 17 experts:

Expert Name	Date 1	Date 2
Brown Report (Dean) 09.26.25	October 13	October 15
Brown Report (B.L.) 09.26.25	October 13	October 15
Chandler Report 09.26.25	October 24	October 25
Drumwright Report 09.26.25	October 13	October 10
Espritt Report 09.26.25		
Feldis Report 09.26.25	October 7	October 8
Johnson Report 09.26.25	October 16	October 20
Kelkar Report 09.26.25		
Keller Report 09.26.25	November 5	November 6
Mechanic Report 09.26.25		
Milnor Report (B.L.) 09.26.25	October 18	October 19
Moore Report 09.26.25	October 22	October 8
Rad Report (WHB 832) 09.26.25	October 17	October 24
Rando Report 09.26.25	October 16	October 17
Sawyer Report 09.26.25	October 15	October 16
Tremblay Report 09.26.25		
Valliere Report 09.26.25	October 8	October 20
Weiner Report 09.26.25	October 24	October 25

4. Uber did not provide any dates for depositions of its own experts until October 3:

Kalady, Matthew	10/24 starting at 1 PM ET
Morris, Jason	10/23 or 11/5
Okpaku, Joseph	10/15 or 10/20
Osgood, Robert	10/20 or 10/21
Piza, Eric	10/27 or 10/30
Stodden, Victoria	10/20 or 10/21
Thomas, Vida	11/13, 11/11 (starting 1 ET), 11/12 (starting 1 PM ET)
West, Sara	11/14 at 1 pm ET

5. Uber initially accepted only one date of the dates offered by Plaintiffs on September 26. Some (Drumwright, Keller, and Valliere) were pulled down due to uncertainty as to when those experts could supplement their reports to accommodate belated discovery productions. Others (Chandler and Sawyer) were pulled down due to scheduling conflicts.

6. The parties proceeded to negotiate dates. It proved very difficult to find dates for so many depositions given the need to accommodate (1) the expert, (2) defending counsel, and (3) opposing counsel, especially because several experts will be deposed for multiple dates. Uber declined several dates to depose Plaintiffs' experts before October 24.

7. During negotiations, Uber expressed that it preferred to serve rebuttal reports only after the deposition of the expert to be deposed. Plaintiffs were open to the potential for a short extension of the deadline for a limited number of experts. But Plaintiffs never agreed to a wholesale lifting of the deadline for Uber's entire cadre of rebuttals.

8. On October 14, Uber disclosed, for the first time on October 14, that it expected to rebut nearly all of Plaintiffs' experts, and that its rebuttals would include 4-5 new, previously undisclosed experts.

9. Uber contended that Plaintiffs had previously agreed to a wholesale modification of the rebuttal deadline. That is not true. Regardless, however, Plaintiffs removed any uncertainty on October 15, making it clear that they would not accept any such modification. Yet, Uber waited until October 21 to file a motion for an extension, three days before the deadline.

10. This chart shows the current status of deposition scheduling. One of Plaintiffs' experts, Erik Brown, was pulled down the evening before the deposition due to a family emergency of Uber's attorney. Plaintiffs' newly proposed date is the only deposition yet to be confirmed. As is apparent, adopting Uber's requirement that every expert be deposed before their opinions are rebutted is not workable consistent with the *Daubert* deadlines, which in turn are not moveable without jeopardizing the trial date.

PARTY	Expert Name	Deposition Date	Continuing Days
PLAINTIFF (9/26)	Rad, Helena (Psych)	October 17, 2025	
PLAINTIFF (9/26)	Brown, Erik (toxicologist)	October 30, 2025	
DEFENDANT (9/26)	Stodden, Victoria	October 21, 2025	
DEFENDANT (9/26)	Osgood, Robert	October 22, 2025	
PLAINTIFF (9/26)	Chandler, John	November 6, 2025	November 7, 2025
PLAINTIFF (9/26)	Sawyer, David	October 23, 2025	October 24, 2025
PLAINTIFF (9/26)	Valliere, Veronique	October 24, 2025	
PLAINTIFF (9/26)	Feldis, Jay	October 24, 2025	
PLAINTIFF (9/26)	Mechanic, Mindy (Psych)	November 11, 2025	November 22, 23, and 28, 2025
PLAINTIFF (9/26)	Moore, Julie	October 28, 2025	
DEFENDANT (9/26)	Thomas, Vida	October 27, 2025	
PLAINTIFF (9/26)	Kelkar, Rajeev	October 27, 2025	October 28, 2025
PLAINTIFF (9/26)	Weiner, Bruce	October 28, 2025	
PLAINTIFF (9/26)	Tremblay, Tom	October 29, 2025	October 30, 2025
DEFENDANT (9/26)	Piza, Eric	October 30, 2025	
PLAINTIFF (9/26)	Johnson Robert	October 31, 2025	
PLAINTIFF (9/26)	Milnor, Mike	November 3, 2025	
DEFENDANT (9/26)	Reminick, Alison	November 3, 2025	
PLAINTIFF (9/26)	Charlene Espritt	November 4, 2025	November 5, 2025 November 17, 2025
DEFENDANT (9/26)	Morris, Jason	November 5, 2025	
DEFENDANT (9/26)	Okpaku, Joseph	November 5, 2025	
PLAINTIFF (9/26)	Rando, Cynthia	November 7, 2025	
PLAINTIFF (9/26)	Drumwright, Meme	October 26, 2025	
DEFENDANT (9/26)	West, Sara	November 14, 2025	

PARTY	Expert Name	Deposition Date	Continuing Days
PLAINTIFF (9/26)	Keller, Lacey	October 27, 2025	

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 22nd day of October, 2025 in San Francisco, California.

/s/ Rachel B. Abrams
Rachel B. Abrams